

HOUSE BILL NO. HB0217

Nonresident hunting licenses-competitive bid.

Sponsored by: Representative(s) Bucholz

A BILL

for

1 AN ACT relating to hunting; providing for competitive
2 bidding for certain nonresident hunting licenses as
3 specified; specifying procedures, bid requirements, deposit
4 of funds and other implementation provisions; specifying
5 program name; making conforming amendments; and providing
6 for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 23-2-110 is created to read:

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12 **23-2-110. Winning for wildlife program established;**
13 **nonresident licenses sold by competitive bid.**

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15 (a) There is hereby created the winning for wildlife
16 program within the department. The program shall be

1 administered exclusively by the department in accordance
2 with this section and rules adopted by the commission.

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4 (b) Annually, based upon the number of licenses
5 issued for the immediately preceding year and rounded to
6 the nearest whole number, twenty-five percent (25%) of the
7 nonresident big game hunting licenses for each species from
8 each hunt area shall be allocated for use by the program.
9 The nonresident hunting licenses allocated for use by the
10 program shall be offered to both nonresidents and residents
11 by competitive bid as provided by subsections (c) through
12 (e) of this section. Licenses allocated to the program but
13 not sold shall be returned immediately for sale as
14 otherwise provided by this act.

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16 (c) Competitive bidding shall be required for all
17 licenses issued pursuant to this section. Bids may be made
18 either by a sealed writing delivered to the department or
19 by other means as provided by rule of the commission. All
20 bids shall be accompanied by the appropriate funds or
21 sufficient guarantee of payment.

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23 (d) For deer, elk and antelope licenses, the minimum
24 bid for licenses offered pursuant to this section shall be

1 the total of all fees charged to nonresident applicants for
2 the same species under W.S. 23-2-101(e) and (f) and the
3 nonresident license fee for the applicable species. For
4 moose, mountain goat and big horn sheep, the minimum bid
5 for licenses offered pursuant to this section shall be the
6 total of all fees charged to nonresident applicants for the
7 same species under W.S. 23-2-101(e) and the nonresident
8 license fee for the applicable species. In addition, all
9 persons bidding for a license pursuant to this section
10 shall submit a nonrefundable fee of one hundred dollars
11 (\$100.00) to defray costs and expenses of administering the
12 program.

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14 (e) The department shall determine the highest
15 bidders for each species in each area and shall mail
16 licenses to the successful bidders not later than January
17 15 of the year in which the license is valid. Except for
18 the one hundred dollar (\$100.00) nonrefundable fee:

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20 (i) A nonsuccessful resident bidder shall have
21 his bid returned; and

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23 (ii) A nonsuccessful nonresident bidder shall
24 have the option of:

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(A) Having his entire bid returned; or

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(B) Applying for the same species and hunt area in any other nonresident limited quota drawing as

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designated by the bidder with a return of that portion of

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his bid which exceeds all applicable fees for the drawing

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selected.

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(f) Fees and other revenues generated by the program

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shall be deposited to an account within the game and fish

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fund and used as provided in W.S. 23-1-501(g).

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(g) Only the individual who obtains a license

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pursuant to this section shall be authorized to use the

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license. Nothing in this section shall be construed to

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allow for the transfer or use of the license by any other

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person.

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(h) The five (5) year restriction imposed on the

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receipt of a moose or big horn sheep license by W.S.

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23-1-703(b) and the lifetime restriction imposed on the

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receipt of a mountain goat license by W.S. 23-1-703(c)

1 shall be applicable to a license issued pursuant to this
2 section.

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4 (j) If less than four (4) nonresident licenses for a
5 big game species were offered in a hunt area the previous
6 year, the commission may determine the provisions of this
7 section shall not be applicable for the species in that
8 area.

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10 (k) Rules and regulations shall be promulgated by the
11 game and fish commission to carry out this section. The
12 commission rules shall establish dates for submitting
13 competitive bids and applications under this section. The
14 dates shall be established to allow the department
15 sufficient time to provide notification to successful
16 bidders as provided in this section.

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18 (m) As used in this section, "program" means the
19 winning for wildlife program established under this
20 section.

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22 **Section 2.** W.S. 23-1-501 by creating a new subsection
23 (g), 23-1-703(b) and (f), 23-2-101(f) (intro) and

1 (j) (intro), 23-2-109 and 23-2-306(a) (intro) are amended to
2 read:

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4 **23-1-501. Game and fish fund.**

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6 (g) An account within the game and fish fund is
7 created. Revenues collected under W.S. 23-2-110 shall be
8 deposited within the account. The commission shall use
9 revenues in the account first to administer the winning for
10 wildlife program. Revenues in excess of the costs of
11 administration of the program shall be used for the
12 purposes of habitat enhancement projects, hunter access
13 programs, wildlife disease research projects and other
14 wildlife needs identified by the department.

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16 **23-1-703. Limitation of number of big or trophy game**
17 **animal licenses; reservation of certain licenses;**
18 **reservation of certain unused licenses.**

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20 (b) Except as specifically provided under this
21 subsection, subsection (f) of this section or W.S.
22 23-1-705(a), no person may apply for and receive more than
23 one (1) moose or one (1) bighorn sheep license in any
24 consecutive five (5) year period. Effective for the 1995

1 hunting season and each hunting season thereafter, licenses
2 issued under this subsection shall be based upon the number
3 of points assigned to each applicant for a particular
4 species. Effective January 1, 2000, licenses issued under
5 this subsection shall be issued partially through a
6 preference point drawing and partially through a random
7 drawing of all remaining unsuccessful applicants for that
8 year. The department shall assign points to each license
9 applicant for a specific species by multiplying the number
10 of years the applicant has unsuccessfully applied for a
11 license times one (1). The calculation used to assign
12 points to an applicant for a particular species under this
13 subsection shall include any year the applicant does not
14 apply for a big or trophy game animal hunting license for
15 that species, provided the applicant pays the fee specified
16 in W.S. 23-2-101(k). License applicants within each hunt
17 area for a species shall be grouped according to the number
18 of assigned points for that species. Not less than seventy-
19 five percent (75%) of available licenses within any hunt
20 area shall be randomly selected through a preference point
21 drawing from among the group of applicants with the largest
22 number of assigned points and shall continue until all
23 applicants within that group have been exhausted or until
24 all available licenses have been issued, whichever first

1 occurs. If any applicant grouping has been exhausted and
2 licenses remain available within that hunt area, selection
3 shall continue from among the group of applicants with the
4 next largest number of assigned points. After the
5 selections through the preference point drawing have been
6 completed within a hunt area, the remaining licenses
7 available from that drawing and the licenses available for
8 the random drawing for that hunt area will be issued
9 through a random selection from among all applicants in the
10 hunt area who were not selected for issuance of a license
11 for the species through the preference point drawing in
12 that hunt area. For purposes of assigning points under this
13 subsection, any unsuccessful license applicant failing to
14 apply for a license during the second calendar year shall
15 be considered to be a first year applicant for any
16 subsequent calendar year in which the applicant submits
17 license application for that particular species. Licenses
18 sold under the winning for wildlife program pursuant to
19 W.S. 23-2-110 shall not be subject to the provisions of
20 this section and shall not be included for purposes of
21 calculating the allocation of licenses available under a
22 random selection and preference point selection under this
23 section.

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1 (f) Notwithstanding W.S. 23-1-704 and 23-2-101(j),
2 any person who is issued and purchases a big or trophy game
3 animal license for any species specified under subsections
4 (b) and (c) of this section or W.S. 23-2-110 and is unable
5 to use for good cause as provided by regulations that
6 license for the year in which issued, may reserve a license
7 for the particular species designated on the unused license
8 for use during the immediately succeeding calendar year by
9 applying to the commission before the opening date of the
10 season for the designated species during the year for which
11 the initial license is issued. The initial big or trophy
12 game animal license shall accompany the application. Upon
13 receipt, the commission shall cancel the initial license
14 and prior to the season opening date for the designated
15 species during the immediately succeeding calendar year,
16 issue at no cost to the applicant a license for the
17 designated big or trophy game animal valid for that year.

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19 **23-2-101. Fees; restrictions; nonresident application**
20 **fee; nonresident licenses; verification of residency**
21 **required.**

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23 (f) Forty percent (40%) of available nonresident elk
24 licenses, twenty percent (20%) of available nonresident

1 deer licenses and thirty percent (30%) of available
2 nonresident antelope licenses for any one (1) calendar year
3 shall as established by the commission, be offered to
4 nonresident applicants upon receipt of the fee prescribed
5 by this subsection. Seventy-five (75) of the nonresident
6 deer licenses set aside pursuant to this subsection shall
7 be used for a national bow hunt for deer. The licenses
8 authorized by this subsection shall be offered by drawing
9 to nonresident applicants prior to the drawing for the
10 remaining nonresident licenses issued. The licenses offered
11 under this subsection shall be issued in a manner
12 prescribed by rules and regulations promulgated by the
13 commission. Licenses sold under the winning for wildlife
14 program pursuant to W.S. 23-2-110 shall not be subject to
15 the provisions of this subsection and shall not be included
16 for purposes of calculating the allocation of licenses
17 available under this subsection. Nothing in this subsection
18 shall prohibit any unsuccessful applicant for a nonresident
19 license pursuant to this subsection from submitting an
20 application for any licenses remaining after the drawing
21 during the calendar year in which the application under
22 this subsection was submitted. The following fees shall be
23 collected by the department and are in addition to the
24 nonresident license fee for the appropriate big game

1 species imposed under subsection (j) of this section and
2 the application fee imposed under subsection (e) of this
3 section:

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5 (j) Subject to W.S. 23-2-101(f) and 23-2-110, the
6 following hunting licenses and tags may be purchased for
7 the fee indicated and subject to the limitations provided:

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9 **23-2-109. Multiple applications for limited licenses**
10 **prohibited; penalty.**

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12 Except as otherwise authorized by law or rule of the
13 commission, no person shall submit more than one (1)
14 application for a license for the same big or trophy game
15 species or for wild turkey, if the issuance of the license
16 has been limited by the commission. A subsequent
17 application for the same big game species by an
18 unsuccessful bidder under W.S. 23-2-110 shall not be a
19 violation of this section. A violation of this subsection
20 shall be punishable as a 5th degree misdemeanor, by the
21 loss of all points then assigned to the person pursuant to
22 W.S. 23-1-703(b), and disqualification in the year of
23 submission for any license for the species for which the
24 multiple applications were submitted.

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23-2-306. Conservation stamp; exemptions.

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(a) Subject to subsection (b) of this section, each sportsman licensed under W.S. 23-2-101, 23-2-107, 23-2-110 or 23-2-201 shall purchase a single conservation stamp for ten dollars (\$10.00) which shall be valid for one (1) calendar year and in the possession of any person exercising rights under any fishing or hunting license issued pursuant to W.S. 23-2-101, 23-2-107, 23-2-110 or 23-2-201. Holders of pioneer licenses as defined under W.S. 23-1-705(d) and (e), of special limited fishing permits issued under W.S. 23-2-207 and holders of licenses only under W.S. 23-2-101(j)(v) and (vi) and 23-2-201(d)(vi) and (vii) are exempt from the provisions of this section. Revenues collected from the sale of each stamp under this subsection shall be deposited as follows:

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Section 3. This act is effective July 1, 2003.

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(END)